

REMARKS

The above amendments and these remarks are responsive to the Office action dated July 22, 2004. Claims 1-9 are pending in the application. In the Office action, the Examiner rejected claim 7 under 35 U.S.C. § 112, rejected claims 1-2, 4, and 6-9 under 35 U.S.C. § 102(e) as being anticipated by Abriam et al. (U.S. Patent No. 5,933,353), and rejected claims 3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Abriam et al. in view of Tadokoro et al. (U.S. Patent No. 6,463,352). In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 USC § 112

Claim 7 was rejected as being indefinite because the phrase "such as" was considered unclear. In light of the amendments above, applicants believe that this claim satisfies the requirements of 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 102

Claims 1-2, 4, and 6-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Abriam et al., U.S. Patent No. 5,933,353. Applicants believe that these claims are patentable over Abriam et al. in their original form as Abriam et al. fails to teach or suggest providing a material list for a product and downloading selected data to an optimizer. However, applicants have amended independent claims 1 and 8 to clarify certain differences between the teachings of Abriam et al. and the claimed invention.

Specifically, applicants have amended claim 1 to recite specific steps carried out by the optimizer which are not taught or suggested by the art of record . Claim 8 has been similarly amended.

Abriam et al. fails to teach or suggest an optimizer that accounts for defects in the stock material, such as knots in wood, but rather teaches a part layout GUI that proposes a layout for the parts based on the total area of the stock and tool limits (col. 9, ll. 47-61). Abriam et al. is directed to machining of metal stock, which is significantly more uniform and would not require an optimizer that accounts for stock material defects. Consequently, the cited reference does not teach or suggest the method of claim 1 or the apparatus of claim 8. Claims 2, 4, and 6-7 recite further limitations that distinguish the cited references. Accordingly, claims 1 and 8 and their dependent claims are patentable. Applicants respectfully request that the rejection of claims 1-2, 4, and 6-8 under 35 U.S.C. § 102 be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 3 and 5 were rejected under 35 USC § 103(a) as being unpatentable over Abriam et al. in view of Tadokoro et al. (U.S. Patent No. 6,463,352). Claim 3 has been cancelled. Claim 5 is patentable at least for the reasons stated above because neither Abriam or Tadokoro teaches or suggests a method or system that uses a job manager program in conjunction with an optimizer to exclude defects while maximizing efficient use of wood stock. Further, neither Abriam et al. nor Tadokoro et al. address applying their processes to wood, which has vastly different processing concerns, for example, dealing with knots, stains, pitch, rot, insect deterioration, or other defects. Accordingly,

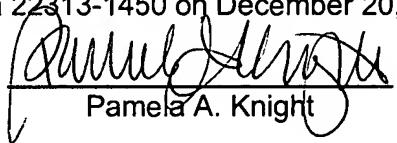
Applicants respectfully request that the rejection of claim 5 under 35 U.S.C. § 103 be withdrawn.

Conclusion

Applicant believes that this application is in condition for allowance, in view of the above amendments and remarks. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 20, 2004.



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Respectfully submitted,

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